IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7683 of 2007()

CRIME 307/07 OF KODUVALLY POLICE STATION

PETITIONER/ACCUSED:

ABDURAHIMAN KUTTY HAJI,
CHOVVARUKANDIYIL HOUSE, PACHILOT, VAVAD AMSOM,
DESOM, KODUVALLY.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE:

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1. THE SUB INSPECTOR OF POLICE,
KODUVALLY POLICE STATION.

2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7683 OF 2007 A

Dated this the 11th day of December, 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a crime registered for offences punishable under Section 376 read with 511 IPC. A nine year old girl was allegedly attempted to be raped on 12.9.07. The petitioner, a person aged about 79 years, faces allegations in that crime. The petitioner had earlier come to this Court with a prayer for anticipatory bail and this Court by order in B.A.6743/07 had rejected the said prayer. Subsequently, the petitioner surrendered and continues in custody from 3.12.07.

2. The learned counsel for the petitioner submits that the 79 year old petitioner is innocent. He may now be enlarged on bail considering his state of health and his age, it is prayed.

3. The learned Public Prosecutor does not oppose the application on condition that the investigating officer is granted reasonable further time to complete the investigation

and that the petitioner may be excluded from the local area in the interests of the law and order situation in the locality. I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions and safeguards.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:-

i) The petitioner shall not be released on bail on the strength of this order prior to 18.12.2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, for a period of two months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

iv) The petitioner shall not enter the jurisdiction of the Koduvally Police Station until further orders without prior permission of the learned Magistrate except for the purpose of complying with condition No.(iii).

(R.BASANT, JUDGE)

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